

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ILLINOIS UNION INSURANCE COMPANY)
as subrogee of CITY OF LAWRENCE)

Plaintiff,

V.

THE VIKING CORPORATION

Defendant.

CIVIL ACTION

NO. 04-10475 MLW/LTS

CONSENT MOTION FOR VOLUNTARY DISMISSAL WITH PREJUDICE

Pursuant to Rule 41 of the Federal Rules of Civil Procedure, Plaintiff Illinois Union Insurance Company as subrogee of the City of Lawrence (“Illinois Union”), by and through undersigned counsel, with the consent of Defendant The Viking Corporation (“Viking”), hereby moves this Court to dismiss the above-captioned action with prejudice. In support of this motion, Illinois Union states as follows:

1. On March 9, 2004, Illinois Union filed a complaint against Viking in the United States District Court for the District of Massachusetts, alleging breach of warranty and negligence.
2. On May 6, 2004, Viking answered the Complaint denying all substantive allegations.
3. On February 23, 2006, this Court ordered a stay of discovery pending mediation.
4. On May 30, 2006, the parties participated in formal mediation and entered into a settlement agreement resolving all issues, disputes, and controversies in the above-captioned action.

5. Viking consents to this voluntary dismissal of appeal with prejudice.

6. The parties have agreed to waive their respective rights of appeal and to pay their own costs and attorney's fees in connection with this action.

WHEREFORE, Plaintiff Illinois Union respectfully requests that the Court dismiss the above-captioned action with prejudice.

Consented to by,

Defendant Viking Corporation

By Its Attorneys,

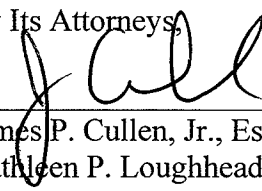
/s/ Gina M. McCreadie (w/ permission)
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Dated: July 9, 2006

Respectfully submitted,

Plaintiff Illinois Union Insurance Company
as subrogee of City of Lawrence,

By Its Attorneys,


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Dated: July 9, 2006

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